United Nations A/C.6/56/L.15

General Assembly

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Fifty-sixth session
Sixth Committee
Agenda item 163
Report of the Committee on Relations with the Host Country

Bulgaria, Canada, Costa Rica, Côte d'Ivoire and Cyprus: draft resolution

Report of the Committee on Relations with the Host Country

The General Assembly,

Having considered the report of the Committee on Relations with the Host Country,[1]

Expressing deep condolences to the families of the victims of the heinous acts of terrorism of 11 September 2001, as well as solidarity with the Government and people of the host country,

Recalling Article 105 of the Charter of the United Nations, the Convention on the Privileges and Immunities of the United Nations,[2] the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations[3] and the responsibilities of the host country,

Recalling also that, in accordance with paragraph 7 of General Assembly resolution 2819 (XXVI) of 15 December 1971, the Committee should consider, and advise the host country on, issues arising in connection with the implementation of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations,

Recognizing that effective measures should continue to be taken by the competent authorities of the host country, in particular to prevent any acts violating the security of missions and the safety of their personnel,

1. *Endorses* the recommendations and conclusions of the Committee on Relations with the Host Country contained in paragraph 38 of its report;[1]

2. *Considers* that the maintenance of appropriate conditions for the normal work of the delegations and the missions accredited to the United Nations and the

[1] *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 26* (A/56/26).
[2] Resolution 22 A (I).
[3] See resolution 169 (II).

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observance of their privileges and immunities, which is an issue of great importance to them, is in the interest of the United Nations and all Member States, and requests the host country to continue to take all measures necessary to prevent any interference with the functioning of missions;

3. *Expresses its appreciation* for the efforts made by the host country, and hopes that the issues raised at the meetings of the Committee will continue to be resolved in a spirit of cooperation and in accordance with international law;

4. *Notes* that during the reporting period the travel controls previously imposed by the host country on staff of certain missions and staff members of the Secretariat of certain nationalities remained in effect, and requests the host country to consider removing such travel controls, and in this regard notes the positions of affected States, of the Secretary-General and of the host country;

5. *Notes also* that the Committee anticipates that the host country will continue to ensure the issuance, in a timely manner, of entry visas to representatives of Member States, pursuant to article IV, section 11, of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations,[3] inter alia, for the purpose of their attending official United Nations meetings;

6. *Requests* the host country to continue to take steps to resolve the problem relating to the parking of diplomatic vehicles in a fair, balanced and non-discriminatory way, with a view to responding to the growing needs of the diplomatic community, and to continue to consult with the Committee on this important issue;

7. *Requests* the Secretary-General to remain actively engaged in all aspects of the relations of the United Nations with the host country;

8. *Requests* the Committee to continue its work in conformity with General Assembly resolution 2819 (XXVI);

9. *Decides* to include in the provisional agenda of its fifty-seventh session the item entitled "Report of the Committee on Relations with the Host Country".

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General Assembly

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Fifty-sixth session
Sixth Committee
Agenda item 170
Observer status for the International Development Law Institute in the General Assembly

Austria: draft resolution

Observer status for the International Development Law Institute in the General Assembly

The General Assembly,

Wishing to promote cooperation between the United Nations and the International Development Law Institute,

1. *Decides* to invite the International Development Law Institute to participate in the sessions and the work of the General Assembly in the capacity of observer;

2. *Requests* the Secretary-General to take the necessary action to implement the present resolution.

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United Nations A/C.6/56/L.17

General Assembly

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13 November 2001

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Fifty-sixth session
Agenda item 162
Report of the International Law Commission on the work of its fifty-third session

Draft resolution

Report of the International Law Commission on the work of its fifty-third session

The General Assembly,

Having considered the report of the International Law Commission on the work of its fifty-third session,[1]

Emphasizing the importance of furthering the codification and progressive development of international law as a means of implementing the purposes and principles set forth in the Charter of the United Nations and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[2]

Recognizing the desirability of referring legal and drafting questions to the Sixth Committee, including topics that might be submitted to the International Law Commission for closer examination, and of enabling the Sixth Committee and the Commission to further enhance their contribution to the progressive development of international law and its codification,

Wishing to enhance further the interaction between the Sixth Committee as a body of governmental representatives and the International Law Commission as a body of independent legal experts, with a view to improving the dialogue between the two organs,

Recalling the need to keep under review those topics of international law which, given their new or renewed interest for the international community, may be suitable for the progressive development and codification of international law and therefore may be included in the future programme of work of the International Law Commission,

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[1] *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 10* and corrigendum (A/56/10 and Corr.1).

[2] Resolution 2625 (XXV), annex.

01-63498 (E) 141101

Welcoming the holding of the International Law Seminar, and noting with appreciation the voluntary contributions made to the United Nations Trust Fund for the International Law Seminar,

Stressing the usefulness of structuring the debate on the report of the International Law Commission in the Sixth Committee in such a manner that conditions are provided for concentrated attention to each of the main topics dealt with in the report,

1. *Takes note* of the report of the International Law Commission on the work of its fifty-third session;[1]

2. *Expresses its appreciation* to the International Law Commission for the work accomplished at its fifty-third session, in particular for the completion of the final draft articles on "Responsibility of States for internationally wrongful acts" and for the valuable work done on the issue of prevention on the topic of "International liability for injurious consequences arising out of acts not prohibited by international law (prevention of transboundary harm from hazardous activities)";

3. *Requests* the Commission, taking into consideration its decision at its forty-ninth session to proceed with its work on the topic of "International liability for injurious consequences arising out of acts not prohibited by international law", undertaking, as a first step, the issue of prevention,[3] to resume, during its fifty-fourth session, its consideration of the liability aspects of the topic, bearing in mind the interrelationship between prevention and liability, and taking into account the developments in international law and comments by Governments;

4. *Draws the attention* of Governments to the importance for the International Law Commission of having their views on the various aspects involved in the topics on the agenda of the Commission, in particular on all the specific issues identified in chapter III of its report;

5. *Reiterates its invitation* to Governments, within the context of paragraph 3 above, to respond, to the extent possible, in writing by 28 February 2002 to the questionnaire and requests for materials on unilateral acts of States circulated by the Secretariat to all Governments on 31 August 2001;

6. *Also reiterates its invitation* to Governments to submit the most relevant national legislation, decisions of domestic courts and State practice relevant to diplomatic protection in order to assist the International Law Commission in its work on the topic "Diplomatic protection";

7. *Recommends* that the International Law Commission, taking into account the comments and observations of Governments, whether in writing or expressed orally in debates in the General Assembly, continue its work on the topics in its current programme;

8. *Requests* the International Law Commission, taking into account paragraph 259 of its report, to begin its work on the topic "Responsibility of international organizations" and to give further consideration to the remaining topics to be included in its long-term programme of work, having due regard to comments made by Governments;

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[3] *Official Records of the General Assembly, Fifty-second Session, Supplement No. 10* (A/52/10), para. 168.

9. *Invites* the International Law Commission to continue taking measures to enhance its efficiency and productivity;

10. *Takes note* of paragraph 260 of the report with regard to the cost-saving measures taken by the International Law Commission in organizing its programme of work, and encourages the Commission to continue taking such measures in its future sessions;

11. *Also takes note* of paragraph 261 of the report, and decides that the next session of the International Law Commission shall be held at the United Nations Office at Geneva from 29 April to 7 June and from 22 July to 16 August 2002;

12. *Stresses* the desirability of further enhancing the dialogue between the International Law Commission and the Sixth Committee, and in this context encourages, inter alia, the holding of informal discussions between the members of the Sixth Committee and those members of the Commission attending the fifty-seventh session of the General Assembly;

13. *Requests* the International Law Commission to continue to pay special attention to indicating in its annual report, for each topic, any specific issues on which expressions of views by Governments, either in the Sixth Committee or in written form, would be of particular interest in providing effective guidance for the Commission in its further work;

14. *Also requests* the International Law Commission to continue the implementation of article 16, paragraph (e), and article 26, paragraphs 1 and 2, of its statute in order to further strengthen cooperation between the Commission and other bodies concerned with international law, having in mind the usefulness of such cooperation;

15. *Notes* that consulting with national organizations and individual experts concerned with international law may assist Governments in considering whether to make comments and observations on drafts submitted by the International Law Commission and in formulating their comments and observations;

16. *Reaffirms* its previous decisions concerning the role of the Codification Division of the Office of Legal Affairs of the Secretariat and those concerning the summary records and other documentation of the International Law Commission;

17. *Expresses* the hope that the International Law Seminar will continue to be held in connection with the sessions of the International Law Commission and that an increasing number of participants, in particular from developing countries, will be given the opportunity to attend the Seminar, and appeals to States to continue to make urgently needed voluntary contributions to the United Nations Trust Fund for the International Law Seminar;

18. *Requests* the Secretary-General to provide the International Law Seminar with adequate services, including interpretation, as required, and encourages him to continue considering ways to improve the structure and content of the Seminar;

19. *Also requests* the Secretary-General to forward to the International Law Commission, for its attention, the records of the debate on the report of the Commission at the fifty-sixth session of the General Assembly, together with such written statements as delegations may circulate in conjunction with their oral

statements, and to prepare and distribute a topical summary of the debate, following established practice;

20. *Requests* the Secretariat to circulate to States, as soon as possible after the conclusion of the session of the International Law Commission, chapter II of its report containing a summary of the work of that session and the draft articles adopted on either first or second reading by the Commission;

21. *Recommends* that the debate on the report of the International Law Commission at the fifty-seventh session of the General Assembly commence on 28 October 2002.

United Nations A/C.6/56/L.18

General Assembly

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Fifty-sixth session
Agenda item 167
Scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel

Argentina, Australia, Austria, Bangladesh, Belgium, Brazil, Canada, Chile, Croatia, Denmark, Ecuador, Fiji, Finland, Germany, Hungary, Ireland, Italy, Japan, Liechtenstein, Malta, Monaco, Netherlands, New Zealand, Nigeria, Norway, Portugal, Republic of Korea, Sierra Leone, Spain, Sweden, Ukraine and the United States of America: draft resolution

Scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel

The General Assembly,

Recalling its resolution 55/175 of 19 December 2000 on safety and security of humanitarian personnel and protection of United Nations personnel,

Recalling also its resolution 49/59 of 9 December 1994, by which it adopted the Convention on the Safety of United Nations and Associated Personnel,

Recalling further the letter dated 24 October 2000 addressed to the President of the Security Council on behalf of the global staff of the United Nations system,[1] drawing attention to the safety and security problems faced by United Nations and associated personnel,

Reaffirming the need to promote and ensure respect for the principles and rules of international law, including international humanitarian law, as well as the relevant provisions of human rights and refugee law,

Deeply concerned by the increasing dangers and security risks faced by United Nations and associated personnel at the field level, and mindful of the need to provide the fullest possible protection for their security,

Expressing concern that locally recruited personnel are particularly vulnerable to attacks,

Welcoming the recent increase in the number of States which have become party to the Convention on the Safety of United Nations and Associated Personnel,

[1] S/2000/1133, annex.

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which entered into force on 15 January 1999, and noting that the Convention has been ratified or acceded to by 54 States as at the date of the present resolution,

Mindful of the need to promote universality of the Convention,

1. *Expresses its appreciation* to the Secretary-General for his report on the scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel,[2] and takes note of the recommendations contained therein;

2. *Calls upon* all States to consider becoming parties to and respect fully their obligations under the relevant international instruments, in particular the Convention on the Safety of United Nations and Associated Personnel;

3. *Takes note* of the report of the Special Committee on Peacekeeping Operations on the subject of the safety and security of United Nations and associated personnel and the scope of existing legal protection, and its recommendations;[3]

4. *Recommends* that the Secretary-General continue to seek the inclusion of relevant provisions of the Convention in the status-of-forces or status-of-mission agreements concluded by the United Nations;

5. *Encourages* the Secretary-General and relevant bodies within the United Nations system, to continue to take such other practical measures as are within their authority and existing institutional mandates to strengthen protection for United Nations and associated personnel;

6. *Recognizes* the need to consider the safety and security of locally recruited personnel, who are particularly vulnerable and account for the majority of casualties;

7. *Decides* to establish an Ad Hoc Committee open to all Member States or members of the specialized agencies or of the International Atomic Energy Agency, to consider the recommendations made by the Secretary-General in his report[2] on measures to strengthen and enhance the protective legal regime for United Nations and associated personnel;

8. *Requests* the Secretary-General to invite the International Committee of the Red Cross to participate, as an observer, in the deliberations of the Ad Hoc Committee;

9. *Decides* that the Ad Hoc Committee will meet from 1 to 5 April 2002, and recommends that, following the report of the Ad Hoc Committee, the Sixth Committee consider whether to continue this work during the fifty-seventh session of the General Assembly from 7 to 11 October 2002 in the framework of a working group of the Sixth Committee;

10. *Requests* the Ad Hoc Committee to submit a report on its work to the General Assembly at the fifty-seventh session;

11. *Decides* to include in the provisional agenda of its fifty-seventh session the item entitled "Scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel".

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[2] A/55/637.

[3] A/55/1024, chap. III, F.

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General Assembly

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Fifty-sixth session
Agenda item 174
International convention against the reproductive cloning of human beings

Andorra, Austria, Belgium, Brazil, Bulgaria, Canada, China, Costa Rica, Croatia, Denmark, Yugoslavia, Finland, France, Germany, Greece, Honduras, Hungary, Ireland, Italy, Jordan, Lithuania, Malta, Monaco, Netherlands, Norway, Portugal, Romania, Russian Federation, Sierra Leone, Slovakia, Slovenia, Spain, Sweden, Tunisia and United Kingdom of Great Britain and Northern Ireland: draft resolution

International convention against the reproductive cloning of human beings

The General Assembly,

Recalling the Universal Declaration on the Human Genome and Human Rights,[1] adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization in 1997, and in particular article 11 thereof, in which the Conference specified that practices which are contrary to human dignity such as reproductive cloning of human beings shall not be permitted and invited States and international organizations to cooperate in taking, at the national or international level, the measures necessary in that regard,

Recalling also its resolution 53/152 of 9 December 1998, by which it endorsed the Universal Declaration on the Human Genome and Human Rights,

Bearing in mind Commission on Human Rights resolution 2001/71 of 25 April 2001, entitled "Human rights and bioethics",[2] adopted at the fifty-seventh session of the Commission,

Noting the resolution on bioethics adopted on 2 November 2001 by the General Conference of the United Nations Educational, Scientific and Cultural Organization, in which the Conference approved the recommendations by the Intergovernmental Bioethics Committee towards the possible elaboration, within the

[1] United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Twenty-ninth Session*, vol. I, *Resolutions*, resolution 16.

[2] See *Official Records of the Economic and Social Council, 2001, Supplement No. 3* (E/2001/23), chap. II, sect. A.

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United Nations Educational, Scientific and Cultural Organization, of universal norms on bioethics,

Aware that the rapid development of the life sciences opens up tremendous prospects for the improvement of the health of individuals and mankind as a whole, but also that certain practices pose potential dangers to the integrity and dignity of the individual,

Particularly concerned, in the context of practices which are contrary to human dignity, about recently disclosed information on the research being conducted with a view to the reproductive cloning of human beings,

Determined to prevent such an attack on the human dignity of the individual,

Aware of the need for a multidisciplinary approach to the elaboration, by the international community, of an appropriate response to this problem,

1. *Decides* to establish an Ad Hoc Committee, open to all States Members of the United Nations or members of specialized agencies or of the International Atomic Energy Agency, for the purpose of considering the elaboration of an international convention against the reproductive cloning of human beings;

2. *Requests* the Secretary-General to invite the specialized agencies of the United Nations system that work in and have substantial interest in the field of bioethics, including, in particular, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization, to participate as observers in the work of the Ad Hoc Committee;

3. *Decides* that the Ad Hoc Committee will meet from 25 February to 1 March 2002 to consider the elaboration of a mandate for the negotiation of such an international convention, including, inter alia, a list of the existing international instruments to be taken into consideration and a list of legal issues to be addressed in the convention, with the understanding that the Ad Hoc Committee will open with an exchange of information and technical assessments provided by experts on genetics and bioethics, and recommends that the work continue during the fifty-seventh session of the General Assembly from 23 to 27 September 2002 in the framework of a working group of the Sixth Committee;

4. *Requests* the Secretary-General to provide the Ad Hoc Committee with the necessary facilities for the performance of its work;

5. *Requests* the Ad Hoc Committee to report on its work to the General Assembly at its fifty-seventh session;

6. *Recommends* that, upon the adoption of a negotiation mandate by the General Assembly, it may decide, taking into account the acute nature of the problem, to reconvene the Ad Hoc Committee, in order to open negotiations on the international convention referred to in paragraph 1 above;

7. *Decides* to include in the provisional agenda of its fifty-seventh session the item entitled "International convention against the reproductive cloning of human beings".

United Nations A/C.6/56/L.20

General Assembly

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12 November 2001

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Fifty-sixth session
Agenda item 162
Report of the International Law Commission on the work of its fifty-third session

Draft resolution

Responsibility of States for internationally wrongful acts

The General Assembly,

Having considered chapter IV of the report of the International Law Commission on the work of its fifty-third session,[1] which contains the draft articles on responsibility of States for internationally wrongful acts,

Noting that the International Law Commission decided to recommend to the General Assembly that it take note of the draft articles in a resolution and annex the draft articles to the resolution, and that it consider at a later stage, and in the light of the importance of the topic, the possibility of convening an international conference of plenipotentiaries to examine the draft articles with a view to concluding a convention on the topic,[2]

Emphasizing the continuing importance of the codification and progressive development of international law, as referred to in Article 13, paragraph 1 (a), of the Charter of the United Nations,

Noting that the subject of responsibility of States for internationally wrongful acts is of major importance in the relations of States,

1. *Welcomes* the conclusion of the work of the International Law Commission on responsibility of States for internationally wrongful acts, and its adoption of the draft articles and a detailed commentary on the subject;

2. *Expresses its appreciation* to the International Law Commission for its continuing contribution to the codification and progressive development of international law;

3. *Takes note* of the articles on responsibility of States for internationally wrongful acts, presented by the International Law Commission, the text of which is annexed to the present resolution, and commends them to the attention of

[1] *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 10* (A/56/10).
[2] Ibid., paras. 72 and 73.

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Governments without prejudice to the question of their future adoption or other appropriate action;

4. *Decides* to include in the provisional agenda of its fifty-ninth session an item entitled "Responsibility of States for internationally wrongful acts".

Annex

Responsibility of States for internationally wrongful acts

Part One
The internationally wrongful act of a State

Chapter I
General principles

Article 1
Responsibility of a State for its internationally wrongful acts

Every internationally wrongful act of a State entails the international responsibility of that State.

Article 2
Elements of an internationally wrongful act of a State

There is an internationally wrongful act of a State when conduct consisting of an action or omission:

(a) Is attributable to the State under international law; and

(b) Constitutes a breach of an international obligation of the State.

Article 3
Characterization of an act of a State as internationally wrongful

The characterization of an act of a State as internationally wrongful is governed by international law. Such characterization is not affected by the characterization of the same act as lawful by internal law.

Chapter II
Attribution of conduct to a State

Article 4
Conduct of organs of a State

1. The conduct of any State organ shall be considered an act of that State under international law, whether the organ exercises legislative, executive, judicial or any other functions, whatever position it holds in the organization of the State, and whatever its character as an organ of the central government or of a territorial unit of the State.

2. An organ includes any person or entity which has that status in accordance with the internal law of the State.

Article 5
Conduct of persons or entities exercising elements of governmental authority

The conduct of a person or entity which is not an organ of the State under article 4 but which is empowered by the law of that State to exercise elements of the governmental authority shall be considered an act of the State under international law, provided the person or entity is acting in that capacity in the particular instance.

Article 6
Conduct of organs placed at the disposal of a State by another State

The conduct of an organ placed at the disposal of a State by another State shall be considered an act of the former State under international law if the organ is acting in the exercise of elements of the governmental authority of the State at whose disposal it is placed.

Article 7
Excess of authority or contravention of instructions

The conduct of an organ of a State or of a person or entity empowered to exercise elements of the governmental authority shall be considered an act of the State under international law if the organ, person or entity acts in that capacity, even if it exceeds its authority or contravenes instructions.

Article 8
Conduct directed or controlled by a State

The conduct of a person or group of persons shall be considered an act of a State under international law if the person or group of persons is in fact acting on the instructions of, or under the direction or control of, that State in carrying out the conduct.

Article 9
Conduct carried out in the absence or default of the official authorities

The conduct of a person or group of persons shall be considered an act of a State under international law if the person or group of persons is in fact exercising elements of the governmental authority in the absence or default of the official authorities and in circumstances such as to call for the exercise of those elements of authority.

Article 10
Conduct of an insurrectional or other movement

1. The conduct of an insurrectional movement which becomes the new government of a State shall be considered an act of that State under international law.

2. The conduct of a movement, insurrectional or other, which succeeds in establishing a new State in part of the territory of a pre-existing State or in a territory under its administration shall be considered an act of the new State under international law.

3. This article is without prejudice to the attribution to a State of any conduct, however related to that of the movement concerned, which is to be considered an act of that State by virtue of articles 4 to 9.

Article 11
Conduct acknowledged and adopted by a State as its own

Conduct which is not attributable to a State under the preceding articles shall nevertheless be considered an act of that State under international law if and to the extent that the State acknowledges and adopts the conduct in question as its own.

Chapter III
Breach of an international obligation

Article 12
Existence of a breach of an international obligation

There is a breach of an international obligation by a State when an act of that State is not in conformity with what is required of it by that obligation, regardless of its origin or character.

Article 13
International obligation in force for a State

An act of a State does not constitute a breach of an international obligation unless the State is bound by the obligation in question at the time the act occurs.

Article 14
Extension in time of the breach of an international obligation

1. The breach of an international obligation by an act of a State not having a continuing character occurs at the moment when the act is performed, even if its effects continue.

2. The breach of an international obligation by an act of a State having a continuing character extends over the entire period during which the act continues and remains not in conformity with the international obligation.

3. The breach of an international obligation requiring a State to prevent a given event occurs when the event occurs and extends over the entire period during which the event continues and remains not in conformity with that obligation.

Article 15
Breach consisting of a composite act

1. The breach of an international obligation by a State through a series of actions or omissions defined in aggregate as wrongful occurs when the action or omission occurs which, taken with the other actions or omissions, is sufficient to constitute the wrongful act.

2. In such a case, the breach extends over the entire period starting with the first of the actions or omissions of the series and lasts for as long as these actions or omissions are repeated and remain not in conformity with the international obligation.

Chapter IV
Responsibility of a State in connection with the act of another State

Article 16
Aid or assistance in the commission of an internationally wrongful act

A State which aids or assists another State in the commission of an internationally wrongful act by the latter is internationally responsible for doing so if:

(a) That State does so with knowledge of the circumstances of the internationally wrongful act; and

(b) The act would be internationally wrongful if committed by that State.

Article 17
Direction and control exercised over the commission of an internationally wrongful act

A State which directs and controls another State in the commission of an internationally wrongful act by the latter is internationally responsible for that act if:

(a) That State does so with knowledge of the circumstances of the internationally wrongful act; and

(b) The act would be internationally wrongful if committed by that State.

Article 18
Coercion of another State

A State which coerces another State to commit an act is internationally responsible for that act if:

(a) The act would, but for the coercion, be an internationally wrongful act of the coerced State; and

(b) The coercing State does so with knowledge of the circumstances of the act.

Article 19
Effect of this chapter

This chapter is without prejudice to the international responsibility, under other provisions of these articles, of the State which commits the act in question, or of any other State.

Chapter V
Circumstances precluding wrongfulness

Article 20
Consent

Valid consent by a State to the commission of a given act by another State precludes the wrongfulness of that act in relation to the former State to the extent that the act remains within the limits of that consent.

Article 21
Self-defence

The wrongfulness of an act of a State is precluded if the act constitutes a lawful measure of self-defence taken in conformity with the Charter of the United Nations.

Article 22
Countermeasures in respect of an internationally wrongful act

The wrongfulness of an act of a State not in conformity with an international obligation towards another State is precluded if and to the extent that the act constitutes a countermeasure taken against the latter State in accordance with chapter II of Part Three.

Article 23
Force majeure

1. The wrongfulness of an act of a State not in conformity with an international obligation of that State is precluded if the act is due to force majeure, that is the occurrence of an irresistible force or of an unforeseen event, beyond the control of the State, making it materially impossible in the circumstances to perform the obligation.

2. Paragraph 1 does not apply if:

(a) The situation of force majeure is due, either alone or in combination with other factors, to the conduct of the State invoking it; or

(b) The State has assumed the risk of that situation occurring.

Article 24
Distress

1. The wrongfulness of an act of a State not in conformity with an international obligation of that State is precluded if the author of the act in question has no other reasonable way, in a situation of distress, of saving the author's life or the lives of other persons entrusted to the author's care.

2. Paragraph 1 does not apply if:

(a) The situation of distress is due, either alone or in combination with other factors, to the conduct of the State invoking it; or

(b) The act in question is likely to create a comparable or greater peril.

Article 25
Necessity

1. Necessity may not be invoked by a State as a ground for precluding the wrongfulness of an act not in conformity with an international obligation of that State unless the act:

(a) Is the only way for the State to safeguard an essential interest against a grave and imminent peril; and

(b) Does not seriously impair an essential interest of the State or States towards which the obligation exists, or of the international community as a whole.

2. In any case, necessity may not be invoked by a State as a ground for precluding wrongfulness if:

(a) The international obligation in question excludes the possibility of invoking necessity; or

(b) The State has contributed to the situation of necessity.

Article 26
Compliance with peremptory norms

Nothing in this chapter precludes the wrongfulness of any act of a State which is not in conformity with an obligation arising under a peremptory norm of general international law.

Article 27
Consequences of invoking a circumstance precluding wrongfulness

The invocation of a circumstance precluding wrongfulness in accordance with this chapter is without prejudice to:

(a) Compliance with the obligation in question, if and to the extent that the circumstance precluding wrongfulness no longer exists;

(b) The question of compensation for any material loss caused by the act in question.

Part Two
Content of the international responsibility of a State

Chapter I
General principles

Article 28
Legal consequences of an internationally wrongful act

The international responsibility of a State which is entailed by an internationally wrongful act in accordance with the provisions of Part One involves legal consequences as set out in this Part.

Article 29
Continued duty of performance

The legal consequences of an internationally wrongful act under this Part do not affect the continued duty of the responsible State to perform the obligation breached.

Article 30
Cessation and non-repetition

The State responsible for the internationally wrongful act is under an obligation:

(a) To cease that act, if it is continuing;

(b) To offer appropriate assurances and guarantees of non-repetition, if circumstances so require.

Article 31
Reparation

1. The responsible State is under an obligation to make full reparation for the injury caused by the internationally wrongful act.

2. Injury includes any damage, whether material or moral, caused by the internationally wrongful act of a State.

Article 32
Irrelevance of internal law

The responsible State may not rely on the provisions of its internal law as justification for failure to comply with its obligations under this Part.

Article 33
Scope of international obligations set out in this Part

1. The obligations of the responsible State set out in this Part may be owed to another State, to several States, or to the international community as a whole, depending in particular on the character and content of the international obligation and on the circumstances of the breach.

2. This Part is without prejudice to any right, arising from the international responsibility of a State, which may accrue directly to any person or entity other than a State.

Chapter II
Reparation for injury

Article 34
Forms of reparation

Full reparation for the injury caused by the internationally wrongful act shall take the form of restitution, compensation and satisfaction, either singly or in combination, in accordance with the provisions of this chapter.

Article 35
Restitution

A State responsible for an internationally wrongful act is under an obligation to make restitution, that is, to re-establish the situation which existed before the wrongful act was committed, provided and to the extent that restitution:

(a) Is not materially impossible;

(b) Does not involve a burden out of all proportion to the benefit deriving from restitution instead of compensation.

Article 36
Compensation

1. The State responsible for an internationally wrongful act is under an obligation to compensate for the damage caused thereby, insofar as such damage is not made good by restitution.

2. The compensation shall cover any financially assessable damage including loss of profits insofar as it is established.

Article 37
Satisfaction

1. The State responsible for an internationally wrongful act is under an obligation to give satisfaction for the injury caused by that act insofar as it cannot be made good by restitution or compensation.

2. Satisfaction may consist in an acknowledgement of the breach, an expression of regret, a formal apology or another appropriate modality.

3. Satisfaction shall not be out of proportion to the injury and may not take a form humiliating to the responsible State.

Article 38
Interest

1. Interest on any principal sum due under this chapter shall be payable when necessary in order to ensure full reparation. The interest rate and mode of calculation shall be set so as to achieve that result.

2. Interest runs from the date when the principal sum should have been paid until the date the obligation to pay is fulfilled.

Article 39
Contribution to the injury

In the determination of reparation, account shall be taken of the contribution to the injury by wilful or negligent action or omission of the injured State or any person or entity in relation to whom reparation is sought.

Chapter III
Serious breaches of obligations under peremptory norms of general international law

Article 40
Application of this chapter

1. This chapter applies to the international responsibility which is entailed by a serious breach by a State of an obligation arising under a peremptory norm of general international law.

2. A breach of such an obligation is serious if it involves a gross or systematic failure by the responsible State to fulfil the obligation.

Article 41
Particular consequences of a serious breach of an obligation under this chapter

1. States shall cooperate to bring to an end through lawful means any serious breach within the meaning of article 40.

2. No State shall recognize as lawful a situation created by a serious breach within the meaning of article 40, nor render aid or assistance in maintaining that situation.

3. This article is without prejudice to the other consequences referred to in this Part and to such further consequences that a breach to which this chapter applies may entail under international law.

Part Three
The implementation of the international responsibility of a State

Chapter I
Invocation of the responsibility of a State

Article 42
Invocation of responsibility by an injured State

A State is entitled as an injured State to invoke the responsibility of another State if the obligation breached is owed to:

(a) That State individually; or

(b) A group of States including that State, or the international community as a whole, and the breach of the obligation:

(i) Specifically affects that State; or

(ii) Is of such a character as radically to change the position of all the other States to which the obligation is owed with respect to the further performance of the obligation.

Article 43
Notice of claim by an injured State

1. An injured State which invokes the responsibility of another State shall give notice of its claim to that State.

2. The injured State may specify in particular:

(a) The conduct that the responsible State should take in order to cease the wrongful act, if it is continuing;

(b) What form reparation should take in accordance with the provisions of Part Two.

Article 44
Admissibility of claims

The responsibility of a State may not be invoked if:

(a) The claim is not brought in accordance with any applicable rule relating to the nationality of claims;

(b) The claim is one to which the rule of exhaustion of local remedies applies and any available and effective local remedy has not been exhausted.

Article 45
Loss of the right to invoke responsibility

The responsibility of a State may not be invoked if:

(a) The injured State has validly waived the claim;

(b) The injured State is to be considered as having, by reason of its conduct, validly acquiesced in the lapse of the claim.

Article 46
Plurality of injured States

Where several States are injured by the same internationally wrongful act, each injured State may separately invoke the responsibility of the State which has committed the internationally wrongful act.

Article 47
Plurality of responsible States

1. Where several States are responsible for the same internationally wrongful act, the responsibility of each State may be invoked in relation to that act.

2. Paragraph 1:

(a) Does not permit any injured State to recover, by way of compensation, more than the damage it has suffered;

(b) Is without prejudice to any right of recourse against the other responsible States.

Article 48
Invocation of responsibility by a State other than an injured State

1. Any State other than an injured State is entitled to invoke the responsibility of another State in accordance with paragraph 2 if:

(a) The obligation breached is owed to a group of States including that State, and is established for the protection of a collective interest of the group; or

(b) The obligation breached is owed to the international community as a whole.

2. Any State entitled to invoke responsibility under paragraph 1 may claim from the responsible State:

(a) Cessation of the internationally wrongful act, and assurances and guarantees of non-repetition in accordance with article 30; and

(b) Performance of the obligation of reparation in accordance with the preceding articles, in the interest of the injured State or of the beneficiaries of the obligation breached.

3. The requirements for the invocation of responsibility by an injured State under articles 43, 44 and 45 apply to an invocation of responsibility by a State entitled to do so under paragraph 1.

Chapter II
Countermeasures

Article 49
Object and limits of countermeasures

1. An injured State may only take countermeasures against a State which is responsible for an internationally wrongful act in order to induce that State to comply with its obligations under Part Two.

2. Countermeasures are limited to the non-performance for the time being of international obligations of the State taking the measures towards the responsible State.

3. Countermeasures shall, as far as possible, be taken in such a way as to permit the resumption of performance of the obligations in question.

Article 50
Obligations not affected by countermeasures

1. Countermeasures shall not affect:

(a) The obligation to refrain from the threat or use of force as embodied in the Charter of the United Nations;

(b) Obligations for the protection of fundamental human rights;

(c) Obligations of a humanitarian character prohibiting reprisals;

(d) Other obligations under peremptory norms of general international law.

2. A State taking countermeasures is not relieved from fulfilling its obligations:

(a) Under any dispute settlement procedure applicable between it and the responsible State;

(b) To respect the inviolability of diplomatic or consular agents, premises, archives and documents.

Article 51
Proportionality

Countermeasures must be commensurate with the injury suffered, taking into account the gravity of the internationally wrongful act and the rights in question.

Article 52
Conditions relating to resort to countermeasures

1. Before taking countermeasures, an injured State shall:

(a) Call on the responsible State, in accordance with article 43, to fulfil its obligations under Part Two;

(b) Notify the responsible State of any decision to take countermeasures and offer to negotiate with that State.

2. Notwithstanding paragraph 1 (b), the injured State may take such urgent countermeasures as are necessary to preserve its rights.

3. Countermeasures may not be taken, and if already taken must be suspended without undue delay if:

(a) The internationally wrongful act has ceased; and

(b) The dispute is pending before a court or tribunal which has the authority to make decisions binding on the parties.

4. Paragraph 3 does not apply if the responsible State fails to implement the dispute settlement procedures in good faith.

Article 53
Termination of countermeasures

Countermeasures shall be terminated as soon as the responsible State has complied with its obligations under Part Two in relation to the internationally wrongful act.

Article 54
Measures taken by States other than an injured State

This chapter does not prejudice the right of any State, entitled under article 48, paragraph 1, to invoke the responsibility of another State, to take lawful measures against that State to ensure cessation of the breach and reparation in the interest of the injured State or of the beneficiaries of the obligation breached.

Part Four
General provisions

Article 55
Lex specialis

These articles do not apply where and to the extent that the conditions for the existence of an internationally wrongful act or the content or implementation of the international responsibility of a State are governed by special rules of international law.

Article 56
Questions of State responsibility not regulated by these articles

The applicable rules of international law continue to govern questions concerning the responsibility of a State for an internationally wrongful act to the extent that they are not regulated by these articles.

Article 57
Responsibility of an international organization

These articles are without prejudice to any question of the responsibility under international law of an international organization, or of any State for the conduct of an international organization.

Article 58
Individual responsibility

These articles are without prejudice to any question of the individual responsibility under international law of any person acting on behalf of a State.

Article 59
Charter of the United Nations

These articles are without prejudice to the Charter of the United Nations.

United Nations A/C.6/56/L.21

General Assembly

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15 November 2001

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Fifty-sixth session
Sixth Committee
Agenda item 164
Establishment of the International Criminal Court

Draft resolution

Establishment of the International Criminal Court

The General Assembly,

Recalling its resolutions 47/33 of 25 November 1992, 48/31 of 9 December 1993, 49/53 of 9 December 1994, 50/46 of 11 December 1995, 51/207 of 17 December 1996, 52/160 of 15 December 1997, 53/105 of 8 December 1998, 54/105 of 8 December 1999 and 55/155 of 12 December 2000,

Noting that the Rome Statute of the International Criminal Court was adopted on 17 July 1998,[1] and taking note of the Final Act of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court done at Rome on 17 July 1998,[2]

Recalling the United Nations Millennium Declaration adopted at the Millennium Assembly,[3] in which heads of State and Government stressed the importance of the International Criminal Court,

Noting in particular that the Conference decided to establish a Preparatory Commission for the Court,[4] and that the Commission held two sessions in 2001, from 26 February to 9 March and from 24 September to 5 October,

Bearing in mind the mandate of the Preparatory Commission, as set out in resolution F adopted by the Conference,[5] with regard to the preparation of the proposals for practical arrangements for the establishment and coming into operation of the Court,

Recalling, with regard to the work of the Preparatory Commission and related working groups, the adoption by the Commission on 5 October 2001 of the report on

[1] A/CONF.183/9.
[2] A/CONF.183/10.
[3] See resolution 55/2.
[4] See A/CONF.183/10, annex I.
[5] See A/CONF.183/10, annex I.

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its sixth to eighth sessions,[6] containing the draft texts of the Relationship Agreement between the Court and the United Nations, the Financial Regulations, the Agreement on the Privileges and Immunities of the Court and the Rules of Procedure of the Assembly of States Parties,

Noting the progress made in regard to the necessary arrangements for the commencement of the functions of the International Criminal Court in order to ensure its effective operation, and taking note in particular of the statement of the Minister for Foreign Affairs of the Netherlands[7] to the Preparatory Commission at its eighth session, on the preparatory work that the Government of the Netherlands was undertaking for the establishment of the Court,

Recognizing the continuing need for making available adequate resources and secretariat services to the Preparatory Commission in order to enable it to discharge its functions efficiently and expeditiously,

Noting in particular that 139 States have signed the Statute and that the number of States that have deposited their instruments of ratification has grown significantly,

Taking into consideration the probability that the first meeting of the Assembly of States Parties will be held in summer or early fall 2002 and article 112, paragraph 1, of the Rome Statute of the International Criminal Court,[1]

1. *Reiterates* the historic significance of the adoption of the Rome Statute of the International Criminal Court;[1]

2. *Calls upon* all States that have signed the Rome Statute of the International Criminal Court to consider ratifying or acceding to it, as appropriate, without delay, and encourages efforts aimed at promoting awareness of the results of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court and of the provisions of the Statute;

3. *Welcomes* the important work accomplished by the Preparatory Commission for the International Criminal Court in the completion of a great number of parts of its mandate under resolution F, and notes in this respect in particular the importance of the growing participation in the work of the working group on the crime of aggression;

4. *Requests* the Secretary-General to reconvene the Preparatory Commission, in accordance with resolution F, from 8 to 19 April and from 1 to 12 July 2002, to continue to carry out the mandate of that resolution and, in that connection, to discuss ways to enhance the effectiveness and acceptance of the Court;

5. *Also requests* the Secretary-General to make available to the Preparatory Commission secretariat services, including the preparation of working documents if so requested by the Commission, to enable it to perform its functions;

6. *Further requests* the Secretary-General to invite, as observers to the Preparatory Commission, representatives of organizations and other entities that have received a standing invitation from the General Assembly, pursuant to its

[6] PCNICC/2001/1 and Adds.1-4.
[7] PCNICC/2001/INF/3.

relevant resolutions,[8] to participate in the capacity of observers in its sessions and work, and also to invite as observers to the Commission representatives of interested regional intergovernmental organizations and other interested international bodies, including the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda;

7. *Notes* that non-governmental organizations may participate in the work of the Preparatory Commission by attending its plenary and its other open meetings, in accordance with the rules of procedure of the Commission, receiving copies of the official documents and making available their materials to delegates;

8. *Encourages* States to make voluntary contributions to the trust funds established pursuant to General Assembly resolutions 51/207 and 52/160, the mandates of which were expanded pursuant to Assembly resolution 53/105, towards meeting the costs of the participation in the work of the Preparatory Commission of the least developed countries and of those developing countries not covered by the trust fund established pursuant to resolution 51/207;

9. *Requests* the Secretary-General to undertake the preparations necessary to convene, in accordance with article 112, paragraph 1, of the Rome Statute,[1] the meeting of the Assembly of States Parties to be held at United Nations Headquarters upon the entry into force of the Statute in accordance with article 126, paragraph 1, of the Statute;

10. *Decides* that expenses that may accrue to the United Nations as a result of the implementation of the request contained in paragraph 9 as well as expenses resulting from the provision of facilities and services for the meeting of the Assembly of States Parties and any consequent follow-up shall be paid in advance to the Organization, for which an appropriate mechanism will be set up in the near future;

11. *Notes* that the United Nations and the Secretary-General may participate, without the right to vote, in the work of the Assembly of States Parties;

12. *Requests* the Secretary-General to invite, as observers to the meeting of the Assembly of States Parties, representatives of intergovernmental organizations and other entities that have received a standing invitation from the General Assembly, pursuant to its relevant resolutions,[8] to participate in the capacity of observers in its sessions and work, and also to invite as observers to the Assembly representatives of interested regional intergovernmental organizations and other international bodies invited to the Rome Conference or accredited to the Preparatory Commission for the International Criminal Court;

13. *Notes* that non-governmental organizations invited to the Rome Conference, registered to the Preparatory Commission for the International Criminal Court or having consultative status with the Economic and Social Council of the United Nations whose activities are relevant to the activities of the Court may participate in the work of the Assembly of States Parties in accordance with agreed rules;

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[8] Resolutions 253 (III), 477 (V), 2011 (XX), 3208 (XXIX), 3237 (XXIX), 3369 (XXX), 31/3, 33/18, 35/2, 35/3, 36/4, 42/10, 43/6, 44/6, 45/6, 46/8, 47/4, 48/2, 48/3, 48/4, 48/5, 48/237, 48/265, 49/1, 49/2, 50/2, 51/1, 51/6, 51/204, 52/6, 53/5, 53/6, 53/216, 54/5, 54/10, 54/195, 55/160 and 55/161.

14. *Requests* the Secretary-General to report to the General Assembly at its fifty-seventh session on the implementation of the present resolution;

15. *Decides* to include in the provisional agenda of its fifty-seventh session the item entitled "Establishment of the International Criminal Court".

United Nations A/C.6/56/L.22

General Assembly

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19 November 2001

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Fifty-sixth session
Sixth Committee
Agenda item 166
Measures to eliminate international terrorism

Draft resolution

Measures to eliminate international terrorism

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[1]

Recalling also the United Nations Millennium Declaration,[2]

Recalling all General Assembly and Security Council resolutions on measures to eliminate international terrorism,

Convinced of the importance of the consideration of measures to eliminate international terrorism by the General Assembly as the universal organ having competence to do so,

Deeply disturbed by the persistence of terrorist acts, which have been carried out worldwide,

Reaffirming its strong condemnation of the heinous acts of terrorism, which have caused enormous loss of human life, destruction and damage in the cities of New York, host city of the United Nations, and Washington D.C., and in Pennsylvania, which prompted the adoption of General Assembly resolution 56/1 of 12 September 2001, as well as Security Council resolutions 1368 (2001) of 12 September 2001 and 1373 (2001) of 28 September 2001,

Recalling the debate on the item "Measures to eliminate international terrorism", which took place from 1 to 5 October 2001 in the plenary of the General Assembly,

[1] See resolution 50/6.
[2] See resolution 55/2.

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Stressing the need to strengthen further international cooperation between States and between international organizations and agencies, regional organizations and arrangements and the United Nations in order to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomsoever committed, in accordance with the principles of the Charter, international law and relevant international conventions,

Mindful of the need to enhance the role of the United Nations and the relevant specialized agencies in combating international terrorism, and of the proposals of the Secretary-General to enhance the role of the Organization in this respect,

Recalling the Declaration on Measures to Eliminate International Terrorism, contained in the annex to resolution 49/60 of 9 December 1994, wherein the General Assembly encouraged States to review urgently the scope of the existing international legal provisions on the prevention, repression and elimination of terrorism in all its forms and manifestations, with the aim of ensuring that there was a comprehensive legal framework covering all aspects of the matter,

Taking note of the final document of the Thirteenth Ministerial Conference of the Movement of Non-Aligned Countries, held at Cartagena, Colombia, on 8 and 9 April 2000,[3] which reiterated the collective position of the Movement of Non-Aligned Countries on terrorism and reaffirmed the previous initiative of the Twelfth Conference of Heads of State or Government of Non-Aligned Countries, held at Durban, South Africa, from 29 August to 3 September 1998, calling for an international summit conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations,[4] and other relevant initiatives,

Recalling its decision in resolution 54/110 of 9 December 1999 as well as in resolution 55/158 of 12 December 2000 that the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 should address, and keep on its agenda the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations,

Noting regional efforts to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomsoever committed, including through the elaboration of and adherence to regional conventions,

Having examined the report of the Secretary-General,[5] the report of the Ad Hoc Committee[6] and the report of the Working Group of the Sixth Committee established pursuant to resolution 55/158,[7]

1. *Strongly condemns* all acts, methods and practices of terrorism as criminal and unjustifiable, wherever and by whomsoever committed;

2. *Reiterates* that criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstances unjustifiable, whatever the considerations of a

[3] A/54/917-S/2000/580, annex.

[4] See A/53/667-S/1998/1071, annex I, paras. 149-162.

[5] A/56/160 and Corr.1 and Add.1.

[6] *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 37* (A/56/37).

[7] A/C.6/56/L.9.

political, philosophical, ideological, racial, ethnic, religious or other nature that may be invoked to justify them;

3. *Reiterates its call* upon all States to adopt further measures in accordance with the Charter of the United Nations and the relevant provisions of international law, including international standards of human rights, to prevent terrorism and to strengthen international cooperation in combating terrorism and, to that end, to consider in particular the implementation of the measures set out in paragraphs 3 (a) to (f) of resolution 51/210;

4. *Also reiterates its call* upon all States, with the aim of enhancing the efficient implementation of relevant legal instruments, to intensify, as and where appropriate, the exchange of information on facts related to terrorism and, in so doing, to avoid the dissemination of inaccurate or unverified information;

5. *Reiterates its call* upon States to refrain from financing, encouraging, providing training for or otherwise supporting terrorist activities;

6. *Reaffirms* that international cooperation as well as actions by States to combat terrorism should be conducted in conformity with the principles of the Charter, international law and relevant international conventions;

7. *Urges* all States that have not yet done so to consider, as a matter of priority, and also in accordance with Security Council resolution 1373 (2001) of 28 September 2001, becoming parties to relevant conventions and protocols as referred to in paragraph 6 of resolution 51/210, as well as the International Convention for the Suppression of Terrorist Bombings,[8] and the International Convention for the Suppression of the Financing of Terrorism,[9] and calls upon all States to enact, as appropriate, domestic legislation necessary to implement the provisions of those conventions and protocols, to ensure that the jurisdiction of their courts enables them to bring to trial the perpetrators of terrorist acts, and to cooperate with and provide support and assistance to other States and relevant international and regional organizations to that end;

8. *Also urges* States to cooperate with the Secretary-General, with one another, as well as with interested intergovernmental organizations, with a view to ensuring, where appropriate within existing mandates, that technical and other expert advice is provided to those States requiring and requesting assistance in becoming parties to the conventions and protocols referred to in paragraph 7 above;

9. *Notes with appreciation and satisfaction* that, consistent with the call contained in paragraph 7 of General Assembly resolution 55/158, a number of States became parties to the relevant conventions and protocols referred to therein, thereby realizing the objective of wider acceptance and implementation of those conventions;

10. *Reaffirms* the Declaration on Measures to Eliminate International Terrorism contained in the annex to resolution 49/60 and the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism contained in the annex to resolution 51/210, and calls upon all States to implement them;

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[8] Resolution 52/164, annex.

[9] Resolution 54/109, annex.

11. *Urges* all States and the Secretary-General in their efforts to prevent international terrorism, to make best use of the existing institutions of the United Nations and, in view of the important role of the United Nations in this respect, to consider strengthening these institutions;

12. *Welcomes* the efforts of the Terrorism Prevention Branch of the Centre for International Crime Prevention in Vienna, after reviewing existing possibilities within the United Nations system, to enhance, through its mandate, the capabilities of the United Nations in the prevention of terrorism;

13. *Invites* States that have not yet done so to submit to the Secretary-General information on their national laws and regulations regarding the prevention and suppression of acts of international terrorism;

14. *Invites* regional intergovernmental organizations to submit to the Secretary-General information on the measures they have adopted at the regional level to eliminate international terrorism;

15. *Welcomes* the important progress attained in the elaboration of the draft comprehensive convention on international terrorism during the meetings of the Ad Hoc Committee and the Working Group of the Sixth Committee established pursuant to General Assembly resolution 55/158;

16. *Decides* that the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 shall continue to elaborate a comprehensive convention on international terrorism as a matter of urgency, and shall continue its efforts to resolve the outstanding issues relating to the elaboration of a draft international convention for the suppression of acts of nuclear terrorism, as a means of further developing a comprehensive legal framework of conventions dealing with international terrorism, and that it shall keep on its agenda the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations;

17. *Also decides* that the Ad Hoc Committee shall meet from 28 January to 1 February 2002 to continue the elaboration of a draft comprehensive convention on international terrorism, with appropriate time allocated to the continued consideration of outstanding issues relating to the elaboration of a draft international convention for the suppression of acts of nuclear terrorism, that it shall keep on its agenda the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations, and that the work shall continue, if necessary, during the fifty-seventh session of the General Assembly, within the framework of a working group of the Sixth Committee;

18. *Requests* the Secretary-General to continue to provide the Ad Hoc Committee with the necessary facilities for the performance of its work;

19. *Requests* the Ad Hoc Committee to report to the General Assembly at its fifty-sixth session in the event of the completion of the draft comprehensive convention on international terrorism or the draft international convention for the suppression of acts of nuclear terrorism;

20. *Also requests* the Ad Hoc Committee to report to the General Assembly at its fifty-seventh session on progress made in the implementation of its mandate;

21. *Decides* to include in the provisional agenda of its fifty-seventh session the item entitled "Measures to eliminate international terrorism".

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General Assembly

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Fifty-sixth session
Sixth Committee
Agenda item 176
Observer status for Partners in Population and Development in the General Assembly

Draft decision

Observer status for Partners in Population and Development in the General Assembly

The General Assembly, on the recommendation of the Sixth Committee, decides to defer further consideration of and a decision on the request for observer status for Partners in Population and Development in the General Assembly[1] to its fifty-seventh session.

[1] See A/55/241*.

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United Nations A/C.6/56/L.24

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Fifty-sixth session
Sixth Committee
Agenda item 21 (f)
Cooperation between the United Nations and regional and other organizations: cooperation between the United Nations and the Inter-Parliamentary Union

India: draft resolution

Observer status for the Inter-Parliamentary Union in the General Assembly

The General Assembly,

Recalling its decision 49/426 of 9 December 1994,

Considering the unique status of the Inter-Parliamentary Union as a world organization of parliaments,

Wishing to promote cooperation between the United Nations and the Inter-Parliamentary Union,

1. *Decides* to invite the President of the Inter-Parliamentary Council or a parliamentarian nominated by the Presidency to participate as an observer in the sessions and work of the General Assembly;

2. *Requests* the Secretary-General to take the necessary action to implement the present resolution.

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Fifty-sixth session
Sixth Committee
Agenda item 164
Establishment of the International Criminal Court

Establishment of the International Criminal Court

Note by the Secretariat concerning the responsibilities entrusted to the Secretary-General under draft resolution A/C.6/56/L.21

1. Under the terms of operative paragraph 9 of draft resolution A/C.6/56/L.21, the General Assembly would request the Secretary-General to undertake the preparations necessary to convene, in accordance with article 112, paragraph 1, of the Rome Statute of the International Criminal Court, the meeting of the Assembly of States Parties to be held at United Nations Headquarters upon the entry into force of the Statute in accordance with article 126, paragraph 1 of the Statute. Under the terms of operative paragraph 10 of the same draft resolution, the General Assembly would decide that expenses that might accrue to the United Nations as a result of the implementation of the request contained in paragraph 9 as well as expenses resulting from the provision of facilities and services for the meeting of the Assembly of States Parties and any consequent follow-up should be paid in advance to the Organization, for which an appropriate mechanism would be set up in the near future.

2. The request contained in operative paragraph 9 relates to programme 5, Legal affairs, and to programme 27, General Assembly and Economic and Social Council Affairs and Conference Services, of the medium-term plan for the period 2002-2005. No provision has been made under section 8, Legal affairs, and section 2, General Assembly affairs and conference services, of the proposed programme budget for the biennium 2002-2003 for the activities called for in the draft resolution.

3. Should the General Assembly adopt draft resolution A/C.6/56/L.21, the Secretary-General foresees requirements for Secretariat assistance and substantive support services for its implementation.

4. With respect to the assistance and the services to be rendered to the First Meeting of States Parties, it is envisaged that there would be three distinct phases giving rise to activities in various parts of the Secretariat. These phases are: the preparatory work for the meeting; the two-week meeting; and the follow-up to the

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meeting. The preparatory work would involve the normal preparation of documentation and communication exchanges in respect of an international meeting held at Headquarters. In addition, it would be necessary for certain administrative activities to be undertaken to ensure that the Organization was paid in advance an amount estimated to cover the expenses that would be incurred in servicing the meeting. In addition to the routine servicing of the meeting of the Assembly of States Parties, other tasks might be required from various parts of the Secretariat with respect to the implementation of decisions emanating from that meeting. Such tasks might include preparation and circulation of letters of nominations for the judges and the prosecutor, assistance in determining the scale of assessments of the first year budget of the Court as between States Parties to the Statute, possible establishment and administration of a bank account for the Court, preparation for a meeting of the Bureau of the Assembly of States Parties, administrative arrangements in connection with the hiring of initial personnel for the set up of the Court, etc.

5. A decision has yet to be taken by the Preparatory Commission on the organization of the First Meeting of the Assembly of States Parties. If the Preparatory Commission should decide that the normal practice of international conferences would be adopted, then there would be four meetings per day involving a plenary and working group/committee of the whole. Should the Preparatory Commission decide to follow the model it has established for itself, there would be only two meetings per day. In the light of the above, it has been necessary to consider cost estimates in respect of both scenarios.

6. Conference-servicing costs related to the First Meeting, including the provision of summary records, are estimated at $1,584,800 in the case of two meetings per day, and $1,726,800 in the case of four meetings per day. Furthermore, such estimates have been computed on the basis of the following assumptions: the meetings would be in the six official languages of the United Nations; summary records would be provided for all meetings in the six official languages of the United Nations; documentation requirements would comprise 550 pages of pre-session documents, 50 pages of in-session documents, and 550 pages of post-session documents; and all documentation would be provided in the six official languages of the United Nations.

7. Additionally, it is expected that non-conference-servicing requirements amounting to a total of $460,800, in the case of two meetings per day, would be needed in respect of the cost of temporary assistance to offset the activities to be undertaken by various offices in the Secretariat in respect of all three phases noted in paragraph 4 above. The breakdown of these estimates according to each of the three phases mentioned above is as follows: $52,000 for the first phase, $316,100 in the second phase, and $92,700 in the third phase. In the case that four meetings are held per day, the non-conference-servicing costs are estimated at $426,000, broken down as follows: $52,000 in the first phase, $281,300 in the second phase and $92,700 in the third phase. The difference of $34,800 between the two scenarios is due mainly to the fact that certain public information activities, namely radio and television coverage, could be provided by the Secretariat only in the case that two meetings are held per day.

8. Activities related to international conventions or treaties that, under their respective legal instruments, are to be financed outside the regular budget of the

United Nations may be undertaken by the Secretariat only when sufficient funding is received, in advance. Furthermore, in accordance with established procedures, the United Nations would be required to charge programme support costs at a rate of 13 per cent of conference-servicing and non-conference-servicing costs associated with such activities, to defray the indirect administrative and other support costs incurred in their implementation. Such expenses, estimated at $265,800, in the case of two meetings per day ($279,900, in the case of four meetings per day) would also be borne by the States parties.

9. Furthermore, in accordance with established policies and procedures in the United Nations, a provision of $346,700, in the case of two meetings per day ($364,900, in the case of four meetings per day), corresponding to 15 per cent of the estimated costs of the meeting (inclusive of programme support costs), would have to be made for a contingency reserve to cover eventual shortfalls and final expenditures.

10. Total requirements for the activities requested under operative paragraphs 9 and 10 of the draft resolution are thus estimated at $2,658,100, in the case that two meetings are held per day, and $2,797,600, in the case of four meetings per day. A summary of the estimated cost of the assistance and services to be rendered to the First Meeting of the Assembly of States Parties is presented in annexes I and II to the present document, the difference being related to the number of meetings during the course of the two-week period.

11. **Should the General Assembly adopt draft resolution A/C.6/56/L.21, no additional requirements would arise under the programme budget for the biennium 2002-2003. However, it would be necessary for interested States parties to take early action to begin fund-raising activities among themselves so that the required resources could be made available, on a timely basis, to the Secretariat in advance of the entry into force of the Statute. This would provide the Secretariat with all the necessary funds, as in the annexes, to give effect to the provisions of operative paragraphs 9 and 10 of the draft resolution. Any delay in such fund-raising would inevitably lead to a delay in the convening of the First Meeting of the Assembly of States Parties after the entry into force of the Statute.**

Annex I

First Meeting of the Assembly of States Parties: cost requirements of two meetings per day

	(United States dollars)[a]
(a) Conference-servicing costs	
Meeting servicing	126 800
Pre-session documentation	644 100
In-session documentation	60 100
Post-session documentation	644 100
Summary records	94 500
Other conference services	15 200
Subtotal (a)	**1 584 800**
(b) Non-conference servicing costs	
First phase	52 000
Second phase	316 100
Third phase	92 700
Subtotal (b)	**460 800**
Total ((a) + (b))	**2 044 800**
(c) Programme support costs (13 per cent)	265 800
Total ((a) + (b) + (c))	**2 311 400**
(d) Reserve for contingency (15 per cent)	346 700
Grand total	**2 658 100**

[a] All figures are rounded to the nearest $100.

Annex II

First Meeting of the Assembly of States Parties: cost requirements of four meetings per day

	(United States dollars)[a]
(a) Conference-servicing costs	
Meeting servicing	253 700
Pre-session documentation	644 100
In-session documentation	60 100
Post-session documentation	644 100
Summary records	94 500
Other conference services	30 300
Subtotal (a)	**1 726 800**
(b) Non-conference servicing costs	
First phase	52 000
Second phase	281 300
Third phase	92 700
Subtotal (b)	**426 000**
Total ((a) + (b))	**2 152 800**
(c) Programme support costs (13 per cent)	279 900
Total ((a) + (b) + (c))	**2 432 700**
(d) Reserve for contingency (15 per cent)	364 900
Grand total	**2 797 600**

[a] All figures are rounded to the nearest $100.